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UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MASAAKI HIROYA and HIROSHI ASAO

Junior Party
(U.S. Patent No. 5,754,654)¹

v.

SHOLOM S. ROSEN

Senior Party
(Application 09/314,738)²

Patent Interference No. 105,355

Before LEE, HANLON and MOORE, Administrative Patent Judge.

LEE, Administrative Patent Judge.

Judgment – Merits – Bd. R. 127

In accordance with the priority decision entered concurrently herewith but in a separate paper, it is

ORDERED that judgment as to the subject matter of Count 1 is entered against junior party MASAAKI HIROYA and HIROSHI ASAO;

¹ Based on Application 08/558,741, filed November 16, 1995. The real party in interest is Hitachi, Ltd.

² Filed May 19, 1999. The real party in interest is Citibank, N.A. Accorded the benefit of application 08/895,395, filed July 16, 1997; application 08/730,158, filed October 23, 1996; application 08/234,461, filed April 28, 1994; and application 08/575,699, filed December 19, 1995.

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FURTHER ORDERED that junior party MASA AKI HIROYA and HIROSHI ASAO is not entitled to its patent claims 1-4 and 12-18 which correspond to Count 1;

FURTHER ORDERED that if there is a settlement agreement, the parties should note the requirements of 35 U.S.C. § 135(c) and Bd. Rule 205; and

FURTHER ORDERED that a copy of this judgment be placed in the respective involved application or patent of the parties.

/Jameson Lee/

JAMESON LEE

Administrative Patent Judge

/Adriene Lepiane Hanlon/

ADRIENE LEPIANE HANLON

Administrative Patent Judge

/James T. Moore/

JAMES T. MOORE

Administrative Patent Judge

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AND
INTERFERENCES

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1 By Electronic Transmission

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